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EXAMINER
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NGUYEN, ANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/26/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/781,996

Applicant(s)

NAKAGAWA ET AL.

Examiner

Anh T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-15 are presented for examination.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both Communication Device and communicator (page 8, line 23). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "non-display of bags" (Fig. 7A) as described in the specification (page 17, lines 16-17). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The disclosure is objected to because of the following informalities:  
  
Page 2, line 9, "a other", should recite, --another--.  
  
Appropriate correction is required.
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3, 6-7, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the level of the user" in line 5. Claim 6 recites the limitation "the extracted user" in line 2 and "the unextracted user" in line 3. Claim 7 recites the limitation "the extracted user (s)" in line 2. There are insufficient antecedent basis for theses limitations in the claim.

The claim language in claim 11 is not clearly understood. As per claim 11, lines 2-3, it is unclear what the distinction is between "the extracted user", "the user communicating" and "the user within the virtual space". Specifically, it is unclear whether the user is charging to himself or another user.

For the purpose of applying prior art, the examiner will make the best effort in interpreting claims in light of the specification.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-7, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng (US 6,329,986).

As per independent **claim 1**, Cheng teaches an information display method for displaying information about a plurality of users registered in a server, on a terminal of a user of the plurality of users, via a network, the method comprising the steps of: transferring information about the plurality of users from the server to the terminal of the user (col.4, lines 32-37); and differently displaying display contents of information about each user displayed on the terminal of the user, on the basis of registration contents of information about the user (Fig.1a, col.4, line 57- 65).

As per **claim 2**, which is dependent on claim 1, Cheng teaches wherein the information about each user includes a file for describing a model in place of each user within a virtual space shared by the plurality of users (col.9, lines 27-50), and the virtual space where the model corresponding to each user exists is displayed at the terminal of the user (Fig.1b, *16 virtual environment*, col.4, lines 32-37).

As per **claim 3**, which is dependent on claim 2, Cheng teaches wherein the information about each user includes an interest level of each user in at least one item, and a figure of the

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model at the level of each user is differently displayed based on the level of the user about the item (col.22, lines 47-56; Fig.8, *300 interest specification tool*, col.27, line 41- col.28, line 56).

As per **claim 4**, which is dependent on claim 2, Cheng teaches wherein at least one model of a virtual character prepared by the server exists within the virtual space (Fig.1b, col.4, lines 57-62).

As per **claim 5**, which is dependent on claim 2, Cheng teaches wherein the information about the plurality of users is retrieved according to predetermined extraction conditions set by the user so that a user satisfying the extraction conditions is extracted (col.6, lines 6-36; col.10, lines 5-19).

As per **claim 6**, which is dependent on claim 5, Cheng teaches wherein the model corresponding to the extracted user is displayed, and the model corresponding to the unextracted user is not displayed (Fig.1b, col.4, lines 59-65).

As per **claim 7**, which is dependent on claim 5, Cheng teaches wherein the information about the extracted user(s) is displayed as a list (col.9, lines 39-51).

As per **claim 10**, which is dependent on claim 5, Cheng teaches wherein the manager of the server charges to the user for the setting of the extraction conditions by the user (col.29, lines 2-7).

As per **claim 11**, which is dependent on claim 5, Cheng teaches wherein the extracted user is able to charge to the user communicating with the user within the virtual space (col.29, lines 8-22).

As per **claim 12**, which is dependent on claim 7, Cheng teaches wherein the extracted user is able to charge to the user for displaying the list including the information of the extracted user (col.29, lines 22-42).

**Claim 13** is similar in scope to claim 1, and therefore is rejected under similar rationale.

**Claim 14** is similar in scope to claim 2, and therefore is rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US 6,329,986) in view of Farmer et al. ("Farmer", US 6,476,830).

As per **claims 8-9**, which are dependent on claim 5, Cheng teaches the invention substantially as claimed wherein the user is able to set extraction conditions (col.3, lines 34-39). Cheng does not expressly teach in the case where the user has in advance a permission of sales activities within the virtual space from the server. Farmer teaches a virtual environment, wherein the user has in advance a permission of sales activities within the virtual space from the server (col.4, lines 41-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the virtual sales activities as taught by Farmer with the virtual environment of Cheng because it provides a measure of controlling the exchange of goods and

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services for on-line users in conducting sales activities within a community of people with common interests in a virtual world.

As per **claim 15**, Cheng teaches a method for communicating via a network with a virtual character presented by a server, the method comprising the steps of:

preparing parameters of each plurality of users communicating with the virtual character;  
and varying the parameters of each user depending on the progress of communication of each user with the virtual character (col.6, lines 23-36).

Cheng does not teach informing each user a response from the virtual character corresponding to the parameters by and electronic mail at a predetermined timing. Farmer teaches informing each user a response from the virtual character corresponding to the parameters by an electronic mail at a predetermined timing (col.5, lines 10-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of email with Cheng's method to allow users more flexibility of interaction choices.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cheng, US 6,329,986, discloses priority-based virtual environment.

Cheng, US 6,396,509, discloses attention-based interaction in a virtual environment.

Farmer et al., US 6,476,830, discloses a virtual world for exchange of goods and services.


Suzuki et al., US 5,736,982, discloses a virtual space apparatus with avatars and speech.



13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh T Nguyen whose telephone number is (703) 305-8649. The examiner can normally be reached on Mon.-Fri. (7:00 a.m.- 4:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anh T Nguyen   
Examiner  
Art Unit 2127

  
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